



#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Attorney Docket No.: 2873-US

Peter Robert Baum and William Christian Fanslow III

Serial No.:

09/778,187

Group Art Unit: 1644

Filed:

February 06, 2001

Examiner: Roark, J. H.

For:

MOLECULES DESIGNATED LDCAM

#### **DECLARATION UNDER 37 C.F.R. §1.131**

RECEIVED

Commissioner of Patents P. O. Box 1450 Alexandria VA, 22313-1450 MAY 3 0 2003

**TECH CENTER 1600/2900** 

Sir:

We, the undersigned, hereby declare that:

- 1. We are the same Peter Robert Baum and William Christian Fanslow III named as co-inventors on the above-identified application. Prior to December 03, 1997, a nucleic acid encoding human LDCAM was isolated, the sequence of said nucleic acid was determined, and the amino acid sequence encoded by said nucleic acid was deduced, in the United States of America by us, the co-inventors named in the subject application, as evidenced by the Exhibit enclosed herewith.
- 2. The nucleic acid and amino acid sequence data presented in the Exhibit were obtained and the works that generated those data were completed in this country prior to December 03, 1997. The amino acid sequence presented in the Exhibit (HuB7L1-CoR) is identical to SEQ ID NO: 2 of the instant application, which is the amino acid sequence of human LDCAM.
- 3. We therefore submit that this showing of facts is sufficient in character and weight as to establish that the invention of this application was reduced to practice prior to December 03, 1997, the earliest possible 102(e) date of the cited publication, U.S. Patent Application Publication US 2002/0198147 A1.
- 4. We further declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,

under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

5.22.03

\_\_\_\_\_

Peter Robert Baum

5-23-03

Date

Date

William Christian Fanslow III

# **EXHIBIT**

## HuB7L1-CoR Full Length

(Linear) (Six Base) MAP of: 4469-Wi26.Seq check: 1995 from: 1 to: 1535 [hollingsworth.cncdna.4469]

req 4469 HuB7L1 counterstructure Wi26 pool314-28#34 FINAL SEQUENCE FILE 3mGel1648, #7046, #5080 / 3mGel1663 dpc7266,67 /2mGel1671 dpc7305,6 4469-wi26

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	1321				+-	<del>-</del>		+			<b>-</b>	+	<del>-</del>	<del>-</del>	-+-		- <b>-</b> -	+				+ :	1380
a		E E	I"I"I K	CT' K	TTCT E		GAA F		GAT	CTA	GTC	GGA.	AAA	ACA	AAG'	TTA	CTC	CAC.	AGG	TTG	ACC	G:	
		~	•		~	•	1	1	-														
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		CC:	ΓΑΊ	TT	AGAT	GAT	AAA	GAG/	ACA	GTG/	ATA	rtg(	GAAC	CTTC	GCG/	AGAJ	TA.	TCGʻ	TGT	GTT	ттт	'T	
	1381	GGZ	 מיד ב	ים ב	· - + - የሮጥል	 ርጥአ	 •	+-	- <b>-</b>	·		+ ·			-+	- <b>-</b> -	<b></b> -	+	<b>-</b>		- <b>-</b> -	+ 3	1440
					СТА	CIA	1110		IGI	LAC.	LAIA	AAC	_TTC	3AA(	JGC'	rci"	PTA.	AGC	ACA	CAA	AAA	A	
	TATGAATGGGTGGAAAGGTGTGAGACTGGGAAGGCTTGGGATTTGCTGTAAAA												AAA.	AAA	.A								
	ATACTTACCCACCTTTCCACACTCTGACCCTTCCGAACCCTAAACGACACATTTT													<b>.</b> 1	1500								
					····	1		-ACF	2C I (	~ 1 GY	1000	-1.1.(	.CG/	AAC(	CT7	AAA(	JGA(	CAC	ATT	TTT	TTT	T'	
												В											

B ENXs aomi

etaE

### // AAAAAATGTTCTTTGGAAAGAAAAAAGCGGCCGC 1501 ----- 1535 TTTTTTTACAAGAAACCTTTCTTTTTTCGCCGGCG

# Enzymes that do cut:

Tth31

Swa1

Xho1

						:	
Acc1	Afl3	AlwN1	Apo1	Apa1	ApaL1	Ava1	Balı
BamH1	Ban1	Ban2	Bcg1	Bgl1	BsaA1	BsaB1	BsaH1
Bsg1	BsiEl	BsmB1	Bsp1286	BspH1	BspM1	BsrF1	BstZ171
Claı	Dra2	Dr <b>d</b> 1	Dsal	Eae1	-	Eco571	EcoN1
EcoR5	Hae2	HgiA1	Hinc2	Hind3	Hpa1	Kas1	Nar1
Not1	NspB2	NspH1	PpuM1	PshA1	Pss1	Pst1	Pvu2
Sap1	Sca1	Sfc1	Sma1	Sml1	Sst2	Stu1	Tth32
Xba1	Xcm1	Xho2	Xma1	Xma3		5541	101132
Enzymes t	hat do not	cut:					
Aat2	Aclı	Afl2	Agel	Asc1	Ase1	Asp718	Asu2
Avr2	Bbs1	BciV1	Bcl1		Bpu11021	Bpml	Asuz Bsa1
BsiW1	Bsm1	BspE1	BssH2	BstE2	BstX1	Bsu361	Dra1
Dra3	Eam1105	Eco473	EcoR1	Fse1	Fsp1	Kpn1	Mlu1
Munl	Ncol	Ndel	NgoM1	Nhe1	Nrul	Nsi1	Pac1
PflM1	Pme1	Pml1	Pvu1	Rsr2	Sal1	Sfi1	SgrA1
SnaB1	Spe1	Sph1	Srf1	Sse8387	Ssp1	Set1	Styl

Srfl Sse8387

Xmn1

Ssp1

Sst1

Styl